

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD KELLY,

Defendant.

8:22CR125

**MOTION FOR TRANSFER  
ORDER**

The United States of America hereby requests that this Court issue an Order directing the Federal Bureau of Investigation (FBI) to transfer \$9,831.00 United States currency seized from Defendant, which the FBI is holding as custodian, to the Clerk of the District Court for the District of Nebraska, to be applied to Defendant's restitution obligation anticipated to be ordered in this case. In support of this Motion, the United States shows as follows:

1. In connection with this case, law enforcement previously seized from Defendant's residence currency totaling \$9,831.00. The Office of the U.S. Attorney for the District of Nebraska is informed that the FBI retains custody of the \$9,831.00 seized from Defendant.
2. On December 19, 2023, Defendant entered into a Plea Agreement (Filing No. 235) wherein he agreed to enter a plea of guilty to Count XII of the Indictment and further agreed the \$9,831.00 seized from his residence may be applied to any restitution ordered by the Court in this case.
3. With turnover of the \$9,831.00 currently in the custody of the FBI, the parties anticipate that Defendant's remaining restitution balance will be at least \$180,166.00.

4. The parties have conferred, and Defendant's counsel agrees with this Motion and the proposed Order.

Dated: January 22, 2024.

By: s/ John E. Higgins  
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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all registered participants.

s/ John E. Higgins  
Assistant U.S. Attorney